

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated October 14, 2008. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-20 are pending in the Application. Claim 17-20 are added by this amendment. By means of the present amendment, claims 1-16 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. By these amendments, claims 1-16 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

By means of the present amendment, the Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

Applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s).

In the Office Action, the drawings are objected to for not showing the features of claim 10. In response, a new drawing sheet including new FIG. 5 is enclosed. Further, the specification has been amended for conformance with the new FIG. 5. Applicant respectfully requests withdrawal of the drawings objection and approval of the enclosed proposed new drawing.

Claims 1-2, 5-7, 9 and 11 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,771,787 to Hoefer ("Hoefer"). Claims 3-4, 8, 12-14 and 15-16 are rejected under 35 U.S.C. §103(a) over Hoefer. Claim 10 is rejected under 35 U.S.C. §103(a) over Hoefer in view of U.S. Patent No. 4,276,446 to Taddeo ("Taddeo"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-20 are allowable over Hoefer alone and in view of Taddeo for at least the following reasons.

Hoefer shows an enclosure including a waveguide assembly 18 (see, FIG. 5A, cited in the Office Action). As is clear from all of the figures of Hoefer including FIG. 5A, the transducer 10 is positioned within the enclosure on a wall that extends parallel to

another wall of the enclosure that includes a coupling between the enclosure and the waveguide assembly 18.

It is respectfully submitted that the enclosure of claim 1 is not anticipated or made obvious by the teachings of Hoefler. For example, Hoefler does not disclose or suggest, an enclosure that amongst other patentable elements, comprises (illustrative emphasis added) "a first chamber for accommodating the acoustic transducer and a second chamber, which first and second chambers are acoustically coupled by a coupling section, wherein the first chamber and the second chamber are spaced apart, wherein the coupling section and the first chamber couple along a first wall of the first chamber, the enclosure further comprising an opening arranged for the transducer, wherein the opening is positioned along a second wall of the first chamber that extends in a direction perpendicular to the first wall" as recited in claim 1, and as similarly recited in each of claims 11, 15 and 16. As is clear from every embodiment shown in Hoefler, the transponder is positioned on a wall of the enclosure that is parallel to another wall of the enclosure that couples the enclosure and the waveguide assembly. Taddeo is introduced for allegedly showing elements of a dependent claim and as such, does nothing to cure the deficiencies

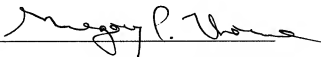
in Hoefler.

Based on the foregoing, the Applicants respectfully submit that independent claims 1, 11, 15 and 16 are patentable over Hoefler alone and in view of Taddeo and notice to this effect is earnestly solicited. Claims 2-10, 12-14 and 17-20 respectively depend from one of claims 1, 11 and 15 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded including any Official Notices taken in the Office Action.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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Enclosure: New drawing sheet (1 sheet including FIG. 5)

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